

# Know Your Rights

A Missouri Consumer Guide



Missouri Attorney General  
**ERIC SCHMITT**



# Introduction

One of the most important responsibilities of the Attorney General's Office is to protect consumers' rights. The office pursues this goal through aggressive enforcement of Missouri's Merchandising Practices law and continued expansion of consumer education programs.

Know Your Rights is filled with tips and ideas on how you can recognize fraud, protect yourself, bargain for a fair price and ward off con artists.

This information as well as action taken against dishonest operators can be found online at [ago.mo.gov](http://ago.mo.gov).

Learn the facts, know your rights and fight back.

Sincerely,

A handwritten signature in black ink, reading "Eric S. Schmitt". The signature is written in a cursive, flowing style.

**Eric Schmitt**  
Attorney General

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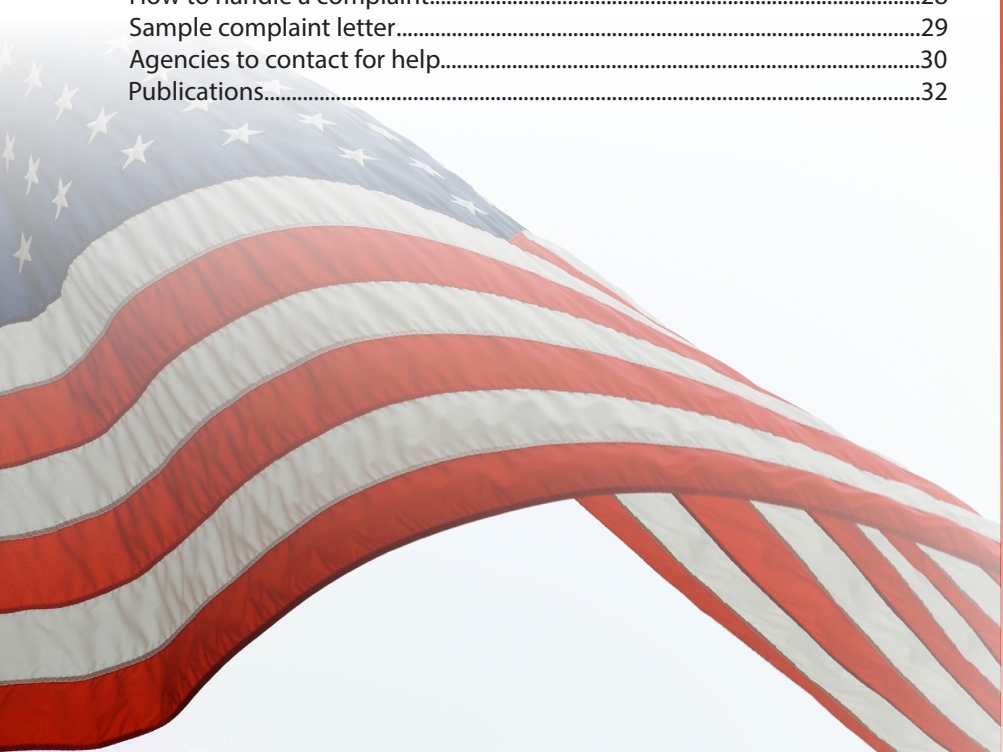
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# Home Issues

## LANDLORD-TENANT LAW

Disputes between landlords and tenants are common but may be avoided when the landlord and renter both know the law.

### Missouri law:

- Makes it illegal for a landlord to shut off utilities, unless it is for health and safety reasons.
- Allows landlords to double rent if a renter lets another person take over the premises without the landlord's permission.
- Allows only two persons per bedroom, except for children born during the lease period.
- Allows county courts to order quick removal of renters involved in criminal activity, even without a conviction.
- Requires landlords to give 60 days' notice before ending leases for mobile home lots, if the lease is for less than a year.

### THE LEASE

An agreement to rent for one year or more must be in writing and signed by the tenant and landlord. It then becomes a legal contract.

The best way to avoid later problems is to make sure the lease you sign is clear about your responsibilities and the landlord's. Put in **writing** who has to mow the lawn, fix a clogged sink or pay the utility bills.

### A basic lease should include:

- Landlord's name, address and phone.
- Address of rental property.
- Amount of monthly rent.
- Amount of security deposit and conditions for its return.
- Who is responsible for repairs, utilities, bills and upkeep like lawn care and snow removal.

### Before signing a lease, you should:

- Read the entire lease and ask questions. Once you sign, you cannot get out of a lease just because you didn't understand it.
- Ask the landlord to change a lease requirement if you don't agree with it, and make sure that change is put in writing. The landlord has the right to refuse. If changes are made, the landlord and tenant should put their initials by the written change to show they both agree to it.

Before you move in, make and keep a list of any damages or repairs that need to be made. Give a copy to the landlord and attach a copy to your lease. This will ensure your security deposit is not withheld to repair damage you did not do.

Some renters even videotape the property and give a copy to the landlord.

### **ORAL AGREEMENTS (NO LEASE)**

An oral agreement is only good for one month. A landlord can evict a tenant or raise rent with only one month's written notice. Likewise, a tenant must give one month's written notice to end financial obligations to a landlord.

### **SECURITY DEPOSIT**

- A landlord cannot require more than two months' rent as a security deposit.
- At the end of the lease, the landlord has 30 days to return the deposit. A landlord may keep all or part of the deposit for repair of damages, unpaid rent or lost rent because the tenant moved without adequate notice. If damages are claimed, the landlord must provide a list of damages to be paid from the deposit.
- A landlord must notify the tenant of the time and date when a move-out inspection will be done.
- The tenant has the right to be present during the inspection, which must be conducted at a reasonable time.
- A tenant has no right to use the security deposit to pay for the last month's rent.
- If a landlord wrongfully withholds all or part of a deposit, the tenant may sue to recover up to twice the amount withheld.

### **REPAIRS**

- A lease should state which repairs are the landlord's responsibility and which are the tenant's.
- The landlord should make repairs caused by wear and tear and natural forces such as the weather.
- Tenants should pay for damages that they or a guest cause.
- A tenant cannot legally withhold rent payments until repairs are completed. You can get evicted.
- If a home becomes unsafe, the tenant should contact local health or housing authorities.

## **EVICTIION**

A landlord cannot evict a tenant without a court order. The landlord may begin eviction proceedings if a tenant:

- Damages property.
- Fails to pay rent.
- Violates terms of the lease.
- Injures the landlord or another tenant.
- Allows drug-related criminal activity or gambling on the premises.
- Fails to move when the lease is up.

The tenant will receive notice if an eviction lawsuit has been filed and will have the chance to be heard in court before any eviction.

## **DISCRIMINATION**

Landlords cannot refuse to sell, rent, sublease, charge higher rent or falsely state that housing is not available based on a renter's race, color, religion, sex, disability, national origin or family relationships. If you believe you have been a victim of discrimination you may contact:

### **Missouri Commission on Human Rights**

Toll-free: 877-781-4236

Jefferson City area: 573-751-3325

St. Louis area: 314-340-7590

### **U.S. Department of Housing and Urban Development**

Housing Discrimination Hotline: 800-669-9777





## **Metropolitan St. Louis Equal Housing Opportunity Council**

For residents of St. Louis city and St. Louis, St. Charles, Franklin and Jefferson counties: 314-534-5800

### **HOME REPAIR FRAUD**

Home repair and improvement scams are among the top complaints made to the Attorney General's Office.

#### **Common scams, often targeting seniors:**

- Asphalt. Solicitors offer to use leftover asphalt from an earlier job to repave your driveway. Workers usually start the job and then say it will cost hundreds or thousands of dollars more to complete it. Or they will just lay black paint and leave town with your money.
- Foundation and attic work. Repairs often are worthless and overpriced.
- Free home inspections. A con artist comes to your home offering a free evaluation to look for damage. The estimate will be bogus or the crook may want to simply get into your home to rob you or worse. Never trust a free inspection.
- Requests for large down payments. Some con artists even offer to go to the bank with the consumer to withdraw money.

#### **Beware of any worker who:**

- Solicits door to door. Most con artists operate this way.
- Drives an out-of-state or unmarked vehicle, especially after damaging storms.
- Has no identification or address, just a phone number.
- Demands full payment before beginning the work.

#### **Before starting home repair work:**

- Hire companies that are known or recommended. Check the background of companies by calling the Attorney General's Consumer Protection Hotline at 800-392-8222 or your nearest Better Business Bureau.
- Check the credentials of companies. Verify their numbers and addresses in the phone book, check for county and local permits, and ask if they are licensed, bonded and insured.
- Get at least two estimates and a third if possible, and get all of them in writing.
- Get all agreements in writing, including description of the job, completion dates and price.
- Make full payment only when the terms of the contract are met.

# Solicitation Issues

## THIEF IN THE MAILBOX

Reaching you through the mail is another way con artists get your money. Seniors receive an especially heavy amount of direct mail solicitations.

### **A number of these may be traps, including:**

- Foreign lotteries. In this scam, a letter appears to be from a foreign lottery claiming you have won a drawing. The crook may ask you to send money in advance to cover taxes or processing fees, or ask for your bank account number so your winnings can be deposited in your account. Be aware that your money will flow only in the other direction.
- Bogus cashier's checks. Any time a stranger sends you a check for a large amount of money, beware. This check will likely bounce. Before you find that out, however, you may be asked to deposit the check and send some of the money elsewhere. Eventually, your bank will inform you the check was no good.
- Offers that look like bills. These solicitations pitching magazines or other products will look like invoices. Many consumers are tricked into thinking they owe the money, and they pay.
- Promotional or "live" checks. You may receive a check in the mail for \$2 or another small amount. This check will likely obligate you to something such as credit card protection, a magazine subscription or a new long-distance carrier.
- Charitable solicitations. Make sure the charity participates in the Attorney General's Check A Charity program (page 11) and follow our wise-giving suggestions.
- Letters that look official, urgent or are in an envelope that looks like an important telegram. Con artists use this gimmick to get attention or look legitimate.
- "Nigerian" letters. You may be contacted by someone who claims to be from another country, often naming Nigeria. The con artist says he has money he can't access, so he needs the help of a trustworthy American to sneak it out of the country, and he will supposedly give you a percentage of the loot. Consumers who fall for this come-on eventually are asked to pay "earnest" money in advance. Again, your money will only be flowing in one direction.
- Pyramid schemes and chain letters. These solicitations offer a "get-rich-quick" scheme promising little work, little or no "sales" of products, and big money when you recruit others to join the same program. Pyramid schemes may be disguised as multilevel marketing organizations. Beware of plans that ask new distributors to buy expensive inventory or claim you

will make money through continued growth of your “downline.” If most of your money is made by recruiting, rather than selling a product, this is an illegal pyramid.

## **REDUCE CALLS, MAIL, OFFERS**

### **TELEMARKETING CALLS**

Missouri’s No Call law prohibits telemarketers, with some exceptions, from calling households or personal cell phones on the Attorney General’s No Call list. A telemarketer violating the list faces a civil penalty of up to \$5,000 per violation. Register your home or cell phone number for free: [ago.mo.gov](http://ago.mo.gov) or toll-free 866-NOCALL1 (866-662-2551)

### **MAIL**

Mail Preference Service lets you delete your name from many direct mail lists. Send your request in writing with a \$1 processing fee or register online for free:

DMAchoice - Direct Marketing Association  
PO Box 282  
Carmel, NY 10512  
[www.dmachoice.org](http://www.dmachoice.org)

### **PRE-APPROVED CREDIT CARD OFFERS**

Credit bureaus allow you to “opt out” of having pre-approved offers of credit and insurance sent to you:

888-5-OPTOUT (888-567-8688) [www.optoutprescreen.com](http://www.optoutprescreen.com)

## **SWEEPSTAKES, CONTESTS**

Deceptive sweepstakes are common. Many mailings are designed to make you believe you are a grand prize winner.

You may receive an “official notification” with “congratulations, you’re a winner” in big, bold type, only to be followed with a disclaimer in small print “if you have the winning number.”

Although it is illegal to require a purchase to enter a contest or sweepstakes, promoters know that if consumers are convinced they have won a big prize they are more likely to spend money for magazines, cheap jewelry or other merchandise. Some consumers even lose their life savings ordering products they believe will increase their chances of winning.

## TRAVEL OFFERS

If you receive a phone call or postcard offering a free vacation, beware. No business is in the business of giving away free vacations to strangers.

### Tips to avoid trips to nowhere

- Be cautious of firms that ask you to pay before confirming reservations. Most reputable travel agents will confirm before payment.
- Deal with an established firm. If a firm is unfamiliar, check with relatives, friends, the Better Business Bureau or the Attorney General's Consumer Protection Hotline at 800-392-8222.
- Don't give out your credit card information unless you expect to be charged.
- Make sure any verbal promises are listed in the contract. Many consumers report being told one thing in a presentation, only to find out it is not in their written agreement.
- Request written information for total cost and all items included. Any transportation, lodging, meals or other items not specifically mentioned may not be included. "Free vacations" often do not include meals, taxes, deposits or other surcharges.
- Ask about the right to cancel or you could end up paying for a trip you never take. Also ask about cancellation insurance.
- Be wary of vacation offers that are "good today only."

## TIMESHARES AND TRAVEL CLUBS

A timeshare is a property, usually in a resort area, that a consumer may buy for a certain length of time each year. Missouri law allows five days to cancel a timeshare contract.

Some consumers buy a membership in a travel club for hundreds or thousands of dollars. This product supposedly helps them save money on future trips. Some consumers complain to the Attorney General's Office, however, saying they could have found the same savings on their own through a travel agency or the Internet. Another risk is that your travel club could go out of business after you have paid.

In Missouri, you have three days to cancel a contract with a travel club.

Many travel companies will offer a free hotel night or other bonus if you attend a 90-minute presentation about their timeshare or travel club. These presentations can turn into high-pressure sales pitches that may far exceed the 90 minutes.

Remember, you are under no obligation to buy these products during or after the presentation, and you are free to leave after the agreed-upon time is up.

## CHARITABLE SOLICITATIONS

Most charitable organizations use money wisely; some, however, spend the majority of donations on salaries, administrative costs and professional fundraisers.

### **When charities call, give wisely by:**

- Asking how the contribution will be spent.
- Asking what percentage of your donation will go to administrative costs. Most consumer advocates suggest giving to a charity that spends at least 65 percent of its donations on program services, namely the cause it represents.
- Consulting the Attorney General's Check a Charity program at [ago.mo.gov](http://ago.mo.gov). You can find information such as how individual charities spend their money.

### **Tips**

- Once a year, review potential charities and decide where your money will go, rather than waiting for solicitors to call.
- Don't judge a charity by its name. Less reputable charities may use names that closely resemble well-known charities.
- Don't let callers play on your sympathy by identifying their organization with law enforcement, firefighters, veterans groups or needy children. This can be a tactic to get your money.
- Don't be pressured. Give only when you are comfortable with the charity.
- Don't commit over the phone. Ask for written information.
- Avoid cash donations and make checks payable to the organization, not to an individual.
- Be careful about letting solicitors into your home.

## DOOR-TO-DOOR SALES

Door-to-door sellers sometimes use high-pressure or scare tactics and may misrepresent the quality and value of products. Criminals may even pose as salespeople to enter your home.

### **To avoid being a victim:**

- Ask for proper identification before listening to a sales pitch or allowing a salesperson to enter your home.
- Don't fall for the "sympathy" approach. Sellers may say they are working their way through college or use other lines.
- Do not let yourself be hurried, intimidated or coerced.

- If you are interested in a product, get everything in writing including price, warranty and all conditions. Tell the salesperson you will get back to him.
- Use a credit card if you buy.

State law gives you the right to cancel the contract within three business days (excluding weekends and legal holidays) if the seller personally solicited and presented the contract in your home. The salesperson must advise you of this right and acknowledge it in the contract. If you cancel, the notice must be in writing. The seller must return any payment or trade-in goods within 10 days after notification of cancellation, and must mark the contract "canceled."

The buyer may keep any item the seller does not request returned within 20 days of the contract's cancellation.

**Cancellation cannot be made when:**

- The buyer requested the goods or services immediately because of an emergency.
- The dealer in good faith started to fulfill the agreement before receiving the cancellation.
- The goods cannot be returned to the seller in "substantially" the same condition as when received by the buyer.



# Phone Issues

## TELEMARKETING

Criminals have found an easy way to get into your home and into your pocket — the telephone. Con artists are cheating consumers out of over \$40 billion a year by offering phony prizes, cheap products and using high-pressure sales tactics by phone.

The best way to cut down on telemarketing calls is to **register for free with the Attorney General's No-Call list** at 866-NOCALL1 (866-662-2551) or [ago.mo.gov](http://ago.mo.gov).

### **Here are some things you should know about telemarketers:**

- Most telemarketers are forbidden by law from calling you if you are on the No-Call list.
- Some telemarketers are exempt: nonprofits, charities, companies that have an existing business relationship with you (your bank, insurance company, cable TV provider), political groups and researchers.
- Telemarketers can only call you from 8 a.m. to 9 p.m.
- You have the right to tell any telemarketer — even exempt ones — not to call again. Report violators to the Attorney General's Office.

### **Still, scam artists may continue to call you. Don't be caught off guard:**

- Free is free. If you are told you have won a great prize but you must pay an upfront fee, shipping charge or taxes — forget about it. That prize will not be worth the money sent to claim it.
- Hang up on offers to buy tickets in foreign lotteries. It is a violation of U.S. law to buy lottery tickets by phone or mail.
- Don't be pressured into acting if you are told an offer is good "today and today only."
- Watch out when someone asks for your credit card, bank account or Social Security number. This is called a "phishing" scam, because an identity thief is fishing for your information.
- Ask for written information. A legitimate company will be glad to send it.

### **How telemarketers get your name:**

- Contest entry forms and rebate checks. Always read the small print.
- “Sucker lists” that contain names of consumers who have responded to past telemarketing pitches. These lists are bought and sold by promoters.
- Advertisements. Responding to a TV, newspaper or magazine ad may get your name on a telemarketing list.

## **SLAMMING AND CRAMMING**

Slamming occurs when your long-distance phone service is switched to a different provider without your knowledge. Although consent to switch must be obtained, some telemarketers have found ways to trick consumers into authorizing their service without realizing it.

If you have been slammed, ask your local phone company to immediately switch you back to your preferred carrier, and remove all of the slammer’s charges or at least “re-rate” them.

Cramming is the addition of unordered services such as caller ID, voice mail or three-way calling on your phone bill. Contact your local phone service provider to dispute items on your bill.

### **Tips to avoid being slammed, crammed**

- Read the small print. Know what you’re signing, especially on contest and sweepstakes entry forms at fairs and festivals and “bonus checks” received in the mail.
- Carefully review your monthly phone bill. Make sure your requested long-distance carrier is still on the bill and all charges are correct.

## **900 NUMBERS**

Beware of employment or other advertisements asking you to call “900” phone numbers. These calls are not free. You may be charged an expensive flat fee or per-minute charge.

## **809 PHONE SCAM**

You may get a message from a stranger urging you to call a phone number in the 809 area code. This is a scam: 809 is an area code in Central America, and many of these calls will charge you a toll, similar to a 900 number in the U.S.



But unlike 900 numbers, there are no regulations protecting consumers. So you may not be told that there will be a high fee for this call, and it may be impossible to reverse the charges once you have made the call.

Other area codes of concern are 284 and 876. It is best to think twice and look up the area code before returning a call from a stranger. An Internet search or a telephone operator can help you.

## CELL PHONES

Most cell phone complaints sent to the Attorney General's Office involve long-term contracts. Wireless companies offer consumers incentives to sign a long-term agreement, such as a cheaper monthly rate, more minutes or a better phone.

### **When shopping for mobile phone service:**

- Read your contract and know exactly what you're signing. Keep a copy.
- Try out your phone thoroughly when you first get it. Most contracts allow you to cancel your plan in the first few weeks if you are unsatisfied.
- Document any conversations you have with the phone provider or retail store.
- If you upgrade or change your plan, ask what will happen to your contract. Upgrading to more minutes or a better phone often means your contract will be extended.
- Ask about monthly or prepaid plans. They usually are higher-priced, but you won't have the problems associated with a long-term contract.
- If you want to terminate your contract early, you will likely face a large fee. But you may be able to find companies that help connect you with other consumers willing to take over your plan. Your fees will be much lower in this case.

## CAN YOU HEAR ME NOW?

Test a new cell phone's signal and features as soon as you get it. You may be able to cancel if you are not happy with the service.



# Separate FACT

## MYTH 1

There is a three-day “cooling off” period after any major purchase in which you can cancel.

**FACT:** In general, the three-day rule applies only to “door-to-door” transactions when a solicitor makes a presentation and sale in your home.

## MYTH 2

The Lemon Law protects you on all big-ticket purchases, including used cars.

**FACT:** Missouri’s Lemon Law applies only to new vehicles and demonstrators or lease-purchase vehicles with a warranty.

## MYTH 3

If a landlord fails to make needed repairs, a tenant can withhold rent until the repairs are done or deduct the cost to get the repairs done by someone else.

**FACT:** A landlord can legally evict a tenant who fails to pay rent, even if the money is spent on repairs.

## MYTH 4

Your credit report only affects your ability to borrow money.

**FACT:** Potential employers, landlords, insurers and others may look at your report. Many do.



## ④ Consumer rules to avoid scam

**1** Never give out your personal information to anyone who contacts you. Only release the information when you initiate the contact. Only then do you know exactly who you’re dealing with.

**2** Don’t pay full price up front if you haven’t received the product or service. If a contractor or service provider needs money in advance, pay no more than 25 percent.



# from FRAUD

## MYTH 5

Never pay by credit card on the Internet.

**FACT:** Under federal law, paying by credit card gives you the right to dispute charges. This protection does not apply to cash, debit cards, checks or other forms of payment.

## MYTH 6

If a bank or credit card company calls to verify your credit card number, it is OK to give that information.

**FACT:** They already have that information. Never give your credit card, Social Security or checking account numbers to strangers, unless you initiate the contact.

## MYTH 7

A professional-looking Web site is a good indicator that a business is legitimate.

**FACT:** Anyone can set up shop on the Internet. Ask unfamiliar companies to send a catalog or brochure and their physical address.

## ms, disputes, unexpected costs

**3** Work with companies that are known or recommended by someone you trust. Check a company's reputation with your local Better Business Bureau or the Attorney General's Consumer Protection Hotline at 800-392-8222.

**4** Never make a financial decision under pressure. No matter what the salesperson says, you'll be better off if you take time to think about it, ask around and compare options.

# Auto Issues

## BUYING A CAR

Buying a car is a big step, and a mistake can be costly. There is no state law allowing a buyer to return a car and get a full or partial refund.

## LEMON LAW

Missouri's Lemon Law applies in very narrow circumstances by enforcing the manufacturer's expressed warranty. Included are new cars and demonstrators, or lease-purchase vehicles if a manufacturer's warranty was issued with the sale. Exempt are commercial and off-road vehicles, mopeds, motorcycles and the non-chassis portion of recreational vehicles. The law applies while the vehicle is under the manufacturer's expressed warranty or up to one year after the date of delivery, whichever expires first.



**A vehicle may be a “lemon” if:**

- It has been in the repair shop for the same problem four or more times without correction.
- It has been out of service for 30 or more working days since delivery.

**Lemon Law requirements:**

- Owners must report problems or defects in writing to the manufacturer.
- The manufacturer is allowed a “reasonable number of attempts” to correct the problem.
- If the problem can’t be fixed in a reasonable number of attempts, the manufacturer must offer a cash refund or a vehicle of comparable value.
- If the manufacturer disagrees that you have a lemon, you can use the manufacturer’s informal dispute settlement procedure. Instructions for this process are in your owner’s manual.

## USED CARS

Since the Lemon Law doesn’t apply, it is especially important to be careful when buying a used car. Normally you won’t have a warranty, so understanding the condition of the vehicle is critical.

If you’re considering a used car sold by a dealership, look for the Buyers Guide, which is required by the Federal Trade Commission to be displayed in the car window. (This does not apply to vehicles sold by individuals.)

The Buyers Guide gives the basics about the car: make, model, year, vehicle identification number (VIN) and warranty information. A dealer can check one of two boxes: “warranty” or “as is — no warranty.” Most used cars are sold “as is.”

**Before driving home a used car:**

- Look at the car during daylight. Any damage, defects or other problems will be easier to spot.
- Run a title search to learn about the vehicle’s history. Searches cost about \$40 per car from [www.autocheck.com](http://www.autocheck.com) or [www.carfax.com](http://www.carfax.com). The search may indicate whether the car has been wrecked, stolen or used as a rental car.
- Test drive the car, which any seller should allow.
- Have a mechanic put the car on a lift and inspect it. Choose a mechanic you trust, rather than one employed or recommended by the seller.

- Get the vehicle's title or it will be hard to prove you own it. Missouri law requires the title to be transferred at the time of the sale. Many consumers file complaints with the Attorney General's Office saying they never received a title. Tell the seller, "No title, no deal."
- Get a signed copy of any warranty.

## REPAIR

Car repair is one of the top consumer complaints made to the Attorney General's Office. Most complaints involve overcharging, poor work and deceptive repair practices.

### Here's how to avoid many problems:

- Check out a shop's reputation.
- Get in writing how much the job should cost. Most repair shops will give you a free estimate. Tell the mechanic to call for an OK before making any repairs not covered in the repair estimate.
- Get a second opinion if you think the mechanic wants to do unnecessary work.
- If the mechanic says parts must be replaced, ask that the old parts be returned. Have this in writing on the repair order before work begins.
- If the work is guaranteed — get it in writing.

## Financial problems?

If you are having financial problems, contact a debt counselor. The Foundation for Credit Counseling can help find counselors at [www.nfcc.org](http://www.nfcc.org) or 800-388-2227. But beware of debt relief scams. Under Missouri law most debt adjusters cannot charge up-front fees.





# Business, Credit Issues

## LOANS, CREDIT SCAMS

### ADVANCE-FEE LOAN SCAM

This scam differs from legitimate credit offers — it guarantees a loan regardless of credit history and requires up-front payments, often before the lender is identified and the application is completed.

Advertisements promising this loan may appear in the classified section of newspapers and magazines and on the Internet.

Beware of anyone who says your credit history doesn't matter while offering you a loan or a credit card.

### PAYDAY LOAN

The payday loan industry has exploded in Missouri and across the country in recent years. These loans are intended to be paid back with your next paycheck, e.g., 2 weeks.

However, some borrowers cannot afford to pay the entire loan by the deadline and must renew or extend their loan. This cycle can continue for many consumers, and the fees pile up. In 2012, the average consumer in Missouri paid a 454 annual percentage rate (454% A.P.R.) on a payday loan.

Payday loans usually are used to help pay bills. But research shows that a payday loan may be far more expensive than late fees for a credit card bill or other bills. Be sure you understand the potential costs before borrowing money through a payday loan.

### TITLE LOAN

Title loans may seem like an easy way to get extra money, but beware. You are getting the loan based on the equity, or dollar value, of your car. If you can't repay the loan, you could lose your car.

### PAWNBROKER LOAN

Pawnbrokers lend money in exchange for collateral, but not for its full value. If you fail to repay the loan, you lose your property and the pawnbroker can sell it.

### **Under Missouri law, pawnbrokers:**

- Cannot charge more than 2 percent interest per month, plus any storage fees.
- Can lend money for only 30 days at a time. The loan can be extended if you and the pawnbroker agree.
- Cannot sell your property until 60 days after the date your loan repayment was due. You still can pay off your loan during this time with additional interest.

## **CREDIT CARDS**

### **Don't fall for credit card offers that:**

- Require you to call a "900" phone number. You call, you pay.
- Advertise that poor credit history is no problem.
- Require application or processing fees before you get a card. Some Missouri consumers have been duped into paying an advance fee for a credit card, to later find that the card is only usable from the company's catalog.

## **CREDIT REPAIR**

There is no quick fix. Companies that advertise credit repair may be encouraging you to violate state and federal law by lying on a loan or credit application. Regardless of scam artists' claims, you cannot change true information on your report.

The only true way to restore your credit is to pay your bills and replace your bad credit history with good. To find a debt counselor, contact the National Foundation for Credit Counseling at [www.nfcc.org](http://www.nfcc.org) or 800-388-2227.

## **INVESTMENTS**

Beware of promises of risk-free investments with huge financial returns. Some con artists may boast of inside information, hot tips or other tricks that will give you an advantage over other investors. No legitimate promoter will make such claims.

You also may hear that if you do not act quickly you will miss out on a once-in-a-lifetime opportunity, so you must send money by overnight courier or wire transfer. Once the money is sent, you never will hear from the salesperson.



## **Tips to avoid scams**

- Be skeptical of any unsolicited phone calls, e-mails or personal visits from strangers about investments.
- Don't do business with a faceless person over the phone. And work with companies that are known or recommended by someone you trust.
- Check out the company with the Securities Division of the Secretary of State's Office, 800-721-7996. All securities brokers and securities sold in Missouri (unless exempted by statute) must be registered.
- Ask for a prospectus, financial statement or similar document before you consider investing. Then read the fine print and make sure you understand the terms thoroughly before signing any commitment. Make checks payable to the company, not the broker.
- Ask the salesperson to send literature about the firm. Do not be swayed by glossy brochures some con artists produce. Also, ask for a written proposal describing conditions of the contract and a form outlining the investment risks.
- Get a second opinion on the investment from your lawyer, stockbroker, accountant or other qualified expert.
- When in doubt, hang up. It is better to wait and miss an opportunity than to act hastily and lose your money.

## **WORK-AT-HOME SCHEMES**

Check out promises by those offering pay for work done at home, especially if you are asked to send upfront money. You probably will never make any money or even regain the money sent for supplies or materials.

### **Common scams**

- Envelope-stuffing: For \$20 you get instructions on how to place the same ad in other newspapers to trick others into sending you \$20.
- Assembly or craft work: You buy supplies and make items that the company agrees to buy but doesn't.
- Proofreading: In exchange for a fee you pay, you are promised books to proofread. The books are not provided.
- Medical billing: For several thousand dollars you are promised software, training and technical support that will bring you huge earnings using your computer to process claims for doctors and dentists. Promoters falsely promise to provide customers and experienced sales staff to assist you. Few consumers recover their investment.

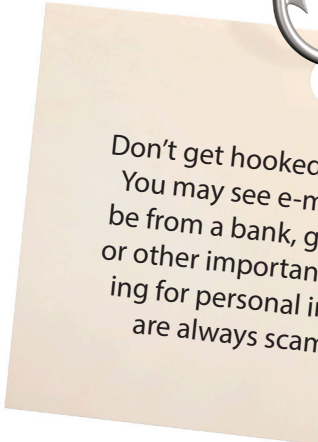
# Internet, Privacy Issues

## SHOPPING ONLINE

Shopping on the Internet offers competition, bargains and convenience, but there are dangers.

### To protect yourself while shopping:

- Compare prices and offers at multiple Web sites. Many “e-tailers” offer free or low-priced shipping.
- Search online for coupons and rebates. Many online retailers will ask for coupon codes at checkout, offering anything from discounts to free shipping.
- Check out refund and exchange policies. There is no law that requires a retailer to accept returned merchandise.
- Double-check your order before clicking the purchase button. Make sure the quantity and total price are correct.
- Pay by credit card. You will have a better chance of disputing the charges if you need to.
- Print out your purchase order with confirmation number.
- Be aware that if you make online purchases, your electronic mailbox often will receive more commercial e-mails. Check a retailer’s privacy policy to see if you can opt out of receiving such e-mail or having your information shared with third parties.
- Enter your credit card number only on secure Web sites. Addresses that start with “https:” — not “http:” — are good indicators of a secure site. Look for the picture of a locked padlock in the lower-right corner of your browser window.



Don't get hooked  
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or other importan  
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are always scam

## ONLINE AUCTIONS

Like traditional auctions, the high bidder wins in an online auction. But that is where the similarity ends — online auction houses don't hold the merchandise.

The bidder deals directly with the seller who makes arrangements for payment and delivery. Some sellers, however, take the money without delivering what was advertised. Such online fraudsters have faced criminal prosecution in Missouri.

## Before you bid

- Verify the seller's identity. Some sellers may use a forged e-mail header, making it impossible to contact them.
- Ask about return policies and who pays for shipping.
- Pay by credit card or through a third party payment service you trust. If there is a problem, you can challenge the charges.
- Ask about using an escrow agent or paying c.o.d. for expensive items if the seller does not take credit cards. Escrow agents (for a fee) hold the buyer's payment until the bid item is verified.

## IDENTITY THEFT

Identity theft occurs when someone uses, without your knowledge, your name and personal information such as Social Security, credit card and bank account numbers to commit fraud or theft.

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### Armed with this personal information, thieves can:

- Open new credit accounts using your personal information. When bills are not paid, it goes on your credit report.
- Charge money on your credit card or make withdrawals from your bank account.
- Establish cellular phone service in your name.
- Open bank accounts and write bad checks.

### Preventing Identity Theft

- Don't give your Social Security or account numbers unless you initiate the contact. In a "phishing" scam, a con artist e-mails you, posing as an organization like a bank. You are instructed to confirm personal information.
- Don't put your Social Security number on checks and driver's license.
- Shred trash with sensitive information. Include convenience checks and credit card offers you get in the mail.
- Freeze your credit report. By placing a security freeze on your credit report with all three credit bureaus, you make your personal information useless to a thief. When lenders or creditors try to access your credit report, they will not be able to see it. Thus, they won't issue new credit in your name. When you need to apply for credit, you can temporarily lift the freeze. Each credit bureau charges \$5 for this service.
- Send sensitive mail using a post office drop box, rather than your mailbox at home.
- Carry only the credit cards and documents you need on a daily basis. Don't carry your Social Security card.

- Opt out of pre-approved credit card offers and get fewer solicitations at home: [www.optoutprescreen.com](http://www.optoutprescreen.com) or 888-567-8688.
- Use virus protection, a firewall and spyware detection on your computer.

### **Detect as well as protect**

- Check bank and credit card statements monthly to watch for unauthorized charges and withdrawals.
- Get a free credit report three times a year at [www.annualcreditreport.com](http://www.annualcreditreport.com) or by calling toll-free 877-322-8228. Then check them to make sure the transactions are only yours. Get a copy from each of the three credit bureaus: Trans Union ([www.transunion.com](http://www.transunion.com)), Experian ([www.experian.com](http://www.experian.com)) and Equifax ([www.equifax.com](http://www.equifax.com)). The law allows you one free report per year from each company. Watch for misleading sites requiring a purchase of another product or a subscription in order to receive a “free” credit report.

### **What victims can do**

- Contact the financial institution that says you owe money and file a dispute. Normally consumers are not held responsible for unauthorized charges.
- Close the accounts the thief has accessed, or at least get new account numbers.
- File a report with your local police and get a copy. You may need it to clear your name with creditors.
- File a complaint with the Attorney General’s Identity Theft Hotline at 800-392-8222 or [ago.mo.gov](http://ago.mo.gov).

# End-of-Life Issues

## PRE-NEED FUNERAL PLANS

When a consumer buys a pre-need funeral plan, a seller agrees to provide funeral services and merchandise at the time of the buyer's death. Missouri law requires the seller to deposit 80 percent of the money in a trust fund only accessible to cover funeral expenses.

Some consumers have been defrauded by funeral operators who take the money and spend it for other purposes. You have the right to see a record of all deposits made into the trust fund.

### **Under Missouri law:**

- Plans must specify exactly what merchandise and services you will receive, along with the prices for each.
- Sellers must register. Verify this with the Missouri State Board of Embalmers and Funeral Directors at 573-751-0813.
- You have the right to cancel a plan at any time.
- If you default on payments, you can recover any amount you paid into the plan, minus the first 20 percent of the purchase price.

## LIFE CHOICES

For consumers of all ages, now is the time to make decisions about what kind of medical care you would like if you are unable to speak for yourself.

If the worst happens, do you want artificial nutrition and hydration? Life support? Life-prolonging treatment? CPR? If you can't speak, who would you like to speak for you?

These questions and others can be addressed in Life Choices, a publication from the Attorney General's Office.

Life Choices walks you through the legal process of putting your intentions in writing and provides forms such as the health care directive and durable power of attorney for health care.

# Take Action

## HOW TO HANDLE A COMPLAINT

When you have a complaint, first contact the business. Accurately describe the problem and what action you would like taken. Do you want your money back, a repair or exchange?

Keep a record of your efforts, including copies of all correspondence.

### **Complaint letter - what to say:**

- Be brief.
- State your name, address, home or work phone number, and an account number if appropriate.
- Include date and place of purchase, who performed the service, product information such as serial or model number, and warranty terms.
- State the problem and how you want it corrected.
- Include copies of all supporting documents.

If you paid with a credit card, write that company. It might be able to resolve your problem about shoddy or nondelivered merchandise. If you are not satisfied with the results, file a formal complaint with the Attorney General's Office or your local Better Business Bureau.

You can get a consumer complaint form from the Attorney General's Office at [ago.mo.gov](http://ago.mo.gov) or by calling the Consumer Protection Hotline at 800-392-8222.

The BBB has offices in St. Louis (314-645-3300), Kansas City (816-421-7800) and Springfield (417-862-4222).

The BBB also offers a free consumer arbitration service to settle disputes between businesses and consumers.

As a last resort, you can file a lawsuit in small claims court or seek legal action in other courts. Consumers who have a claim for up to \$5,000 can, without hiring a lawyer, file suit to recoup their money in small claims court.

## SAMPLE COMPLAINT LETTER

Your name  
Your address  
Your city, state, zip code

Date

Contact Person (if available)  
Title (if available)  
Company name  
Company address  
Company city, state, zip code

Re: account number, if applicable

Dear Contact Person:

On date, I bought/leased/rented/had repaired a product and model number at location. Unfortunately, I have not been satisfied because state problem. To resolve this problem, I would like your company to state action you want taken. Enclosed are copies of my records.

I look forward to your prompt reply and a resolution to my complaint. You may contact me at the address listed above or by telephone at number with area code.

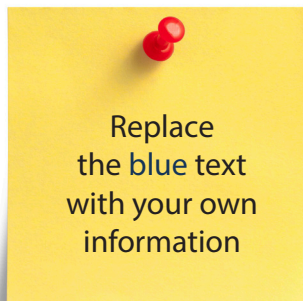
Thank you for your assistance and cooperation in this matter.

Sincerely,

Your signature  
Your name

Enclosure(s) [Attach copies of all relevant records]

cc: List names of those receiving copies of this complaint letter if applicable



## AGENCIES TO CONTACT FOR HELP

Agency	Services Offered	Phone
<b>STATE AGENCIES</b>		
Attorney General's Office	Get complaint forms online. Consumer Protection handles complaints against individuals or companies. You also can check for complaints already on file. No Call Hotline decreases telemarketing calls to your home.	Consumer Protection: 800-392-8222  No Call Hotline: 866-662-2551
Crime Victims' Compensation Program	Provides financial assistance to violent-crime victims or their dependents.	573-526-6006 800-347-6881
Department of Health and Senior Services	Investigates reports of abuse, neglect or financial exploitation.	800-392-0210
Division of Finance	Handles complaints about mortgage bankers, debt collection and harassment, credit bureaus, payday and title loan stores and other lenders.	573-751-3242
Department of Insurance, Consumer Affairs	Handles complaints regarding insurance companies and will verify credentials of insurance sales representatives.	800-726-7390
Public Service Commission	Investigates complaints against public utilities and manufactured housing (such as mobile homes) defects.	800-392-4211
Office of Chief Disciplinary Counsel	Processes complaints against attorneys in Missouri.	573-635-7400
Secretary of State	Toll-free hot line handles complaints and inquiries about stockbrokers, broker-dealers and investments. Provides information on registrations of corporations, fictitious names and benevolent organizations.	800-721-7996 573-751-4153



Agency	Services Offered	Phone
<b>FEDERAL AGENCIES</b>		
Americans with Disabilities Act	Provides information on federal guidelines for the disabled.	800-514-0301 TTY: 800-514-0383
Federal Trade Commission	Federal consumer protection agency.	877-382-4357 TDD-TTY: 866-653-4261
Federal Information Center	Provides phone numbers and general information about federal agencies and programs.	800-333-4636
Labor Department, Wage & Hour Division	Handles wage disputes.	Toll-free: 866-487-9243 Kansas City: 913-551-5721 St. Louis: 314-539-2706
Social Security Administration	Provides information on retirement, disability and benefits for dependents and survivors.	800-772-1213 TTY: 800-325-0778
<b>PRIVATE AGENCIES</b>		
AARP	Lobbies for and promotes programs and issues of interest to seniors.	888-687-2277
BBB Wise Giving Alliance	Provides information on national nonprofit organizations.	703-276-0100
Better Business Bureau	Handles consumer complaints throughout Missouri. Offers free mediation services for disputes between customers and businesses.	Kansas City: 816-421-7800 Springfield: 417-862-4222 St. Louis: 314-645-3300
Missouri Bar	Provides free brochures to public on legal matters such as probate, wills, bankruptcy and finding legal help.	573-635-4128
Missouri Victim Assistance Network	Nonprofit organization advocates for fair treatment of crime victims.	

## PUBLICATIONS

The Missouri Attorney General's Office publishes information on a variety of topics. These brochures may be accessed at [ago.mo.gov](http://ago.mo.gov).







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